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BY ECF

November 15, 2023

Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Avraham Eisenberg
23 Cr. 10 (AS)

Dear Judge Subramanian:

We are counsel to defendant Avraham Eisenberg in this matter and we write jointly with the government to address certain issues raised with the Court at the conclusion of the November 9, 2023 suppression hearing.

First, the parties are working together on the drafting of a stipulation which would obviate the need for additional testimony addressing what the defense contends are prior inconsistent statements by government witnesses. The parties request a deadline of **November 28, 2023** to submit such a stipulation.

Second, because of the late hour at which the hearing concluded, the parties did not have an opportunity to argue their respective positions or address any questions the Court may have had about the testimony. The parties therefore jointly request an opportunity to each file a single-spaced letter—with citations to applicable law and the hearing transcript—not to exceed five pages by **November 28, 2023**.

Third, the Court asked whether the Government intends to use at trial any items subject to the motion to suppress, aside from the electronic devices and their contents. The Government has decided that it intends to use only the electronic devices and their contents, so the Court does not need to address the other items subject to the motion to suppress.

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Fourth, at the end of the evidentiary hearing, the Court asked Special Agent Racz whether he had information about what happened with the electronic devices between the time they were checked into the evidence room in Puerto Rico on December 28, 2022 and their shipment on January 13, 2023. In light of the Court's question, the Government is evaluating whether to submit additional facts on that topic. The Government respectfully requests an opportunity to submit those additional facts by no later than **November 20, 2023**.

Thank you for Your Honor's consideration of this letter.

Respectfully submitted,

Sanford Talkin

Noam Greenspan

Sanford Talkin

Noam Greenspan

-and-

Brian Klein

Ashley Martabano

Riley Smith

Waymaker LLP

cc: all counsel of record (by ECF)

The parties' requests to file post-hearing letters and the stipulation are granted. The Government's request to submit additional facts is denied. The Clerk of Court is directed to terminate the motion at ECF No. 54.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: November 15, 2023